

ORIGINAL

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2008 DEC 23 PM 12:29

JEANNE HICKS, CLERK

BY: Beth Blanton

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

THE STATE OF ARIZONA,

Plaintiff,

vs.

No. CR 2008-1339

STEVEN CARROLL DEMOCKER,

Defendant.

BEFORE: THE HONORABLE THOMAS B. LINDBERG
JUDGE OF THE SUPERIOR COURT
DIVISION SIX
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA
DECEMBER 23 AND DECEMBER 24, 2008

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
EVIDENTIARY HEARING

PARTIAL TESTIMONY OF DETECTIVE JOHN McDERMITT
AND DETECTIVE DOUGLAS BROWN

ROXANNE E. TARN, CR
Certified Court Reporter
Certificate No. 50808

TUESDAY, DECEMBER 23, 2008
9:53 A.M.

EVIDENTIARY HEARING

APPEARANCES:

FOR THE STATE, MR. MARK AINLEY, DEPUTY COUNTY
ATTORNEY.

FOR THE DEFENDANT, MR. JOHN SEARS, ATTORNEY AT LAW.

(THE FOLLOWING IS A PARTIAL TRANSCRIPT OF THE
PROCEEDINGS HELD ON DECEMBER 23, 2008:)

JOHN McDERMITT,

called as a witness, having been duly sworn, testified as
follows:

DIRECT EXAMINATION

BY MR. AINLEY:

Q. Detective, before we leave the Grand Jury
transcript, have you, since your testimony on October 31st,
found out that anything that you testified to during that
hearing that was inaccurate?

A. Yes.

Q. What specifically, please?

A. A clarification needs to be made on some items,
and I can't -- as I was reading the Grand Jury transcript, I
went in chronological order, and I noted some things that
need clarification.

Q. What is the first item?

A. Reference the bookshelf.

Q. What about the bookshelf?

1 A. I had been told by the detective at the scene that
2 when the blood spatter hit the bookshelf, obviously, it was
3 wet. There was a corresponding change in direction of that
4 blood drop when the bookshelf was moved. I read Detective
5 Lieutenant Rhodes' report, which was not available to me
6 until after Grand Jury. When I read that report, I noted
7 where he had made a statement that the blood had been dried
8 on the bookshelf.

9 I have since come to learn that was the
10 case, and that does not change the fact that the bookshelf
11 was moved, just the fact of when the timing of when that
12 bookshelf would be moved took place.

13 I can kind of illustrate it, if you'd
14 like.

15 Q. Yes, please.

16 A. If this is the face of the bookshelf and the blood
17 spatter hits the bookshelf, gravity is going to pull the
18 blood spatter down, or the blood droplet down. And from what
19 I was originally told, the bookshelf was turned over, and
20 there was a corresponding change of direction with the blood
21 spatter.

22 However, after reading Detective
23 Lieutenant Rhodes' report and consulting with a couple other
24 detectives, I have been advised that, in fact, the blood
25 dried there and then was moved. We know it was moved because

1 if it had been in this position when the blood spatter
2 initially hit it, the pattern would have been different than
3 it appeared when the detective saw it, which was that the
4 bookshelf was standing upright, if that makes sense.

5 Q. Was there anything else that you subsequently
6 learned was not correct or not accurate?

7 A. Yes. May I refer to my notes?

8 Q. Certainly.

9 A. Yes. As I was going through the Grand Jury
10 transcript -- actually, as I was going through the transcript
11 of Mr. Democker's interview with Detective Brown, I noted the
12 absence of the statement, "if this could be quick, I have to
13 go to work in the morning." These transcripts were not
14 available to me until after Grand Jury.

15 When I read the transcript, I brought
16 this to the attention of Detective Brown, and I asked him if
17 Mr. Democker had stated this and how come it is not in the
18 transcript. Detective Brown subsequently did some further
19 investigation, listened to the tape again. He could not find
20 that portion of it. Mr. Democker did make other comments to
21 that effect, but not that comment. And so we notified the
22 County Attorney's office of that.

23 MR. SEARS: Page reference on that,
24 Mr. Ainley?

25 MR. AINLEY: Do you have a page reference on

1 that?

2 THE WITNESS: For the Grand Jury transcript?

3 BY MR. AINLEY:

4 Q. Yes, please.

5 A. 21.

6 Q. Page 21. Lines 12 through 16, I believe.

7 Sir, what was the next thing that you
8 noticed when you reviewed the Grand Jury transcript?

9 A. Again, actually this was in reviewing, again, the
10 transcript of Detective Brown's interview with Mr. Democker,
11 which, again, was not available to me until after the Grand
12 Jury testimony.

13 When I read the Grand Jury testimony, I
14 noted that -- I'm sorry. When I read Mr. Democker's
15 interview with Detective Brown, I noted where Mr. Democker
16 had stated that this would be his second spousal support
17 payment was due July 1st. I had been under the impression
18 that it was June 1st, based on what I was told by other
19 officers and that is what I testified to.

20 I brought this to the attention of
21 Detective Brown. Detective Brown subsequently looked into
22 it, discovered that the first payment was indeed due on
23 July 1st.

24 THE COURT: Was or was not?

25 THE WITNESS: Was, sir, due on July 1st.

1 That would have been the second payment,
2 July 1st. And this information was given to the County
3 Attorney's office.

4 BY MR. AINLEY:

5 Q. What page was that reference made on, please?

6 A. 26.

7 Q. All right. Anything else that you found in
8 reviewing the Grand Jury transcript?

9 A. Yes. In reviewing the Grand Jury transcript
10 itself, I noted that the date of arrest was wrong on the
11 Grand Jury transcript. They had August 24 down there, when,
12 in fact, Mr. Democker was arrested on October 23rd.

13 I am quite certain that I told them that
14 when I testified. I said October. There is a possibility I
15 may have said the 24th instead of the 23rd. There may have
16 been a shared blame between the court reporter and me. I
17 believe I testified to October and perhaps I was
18 misunderstood.

19 Q. What page is that on?

20 A. That one, I am not sure about.

21 THE COURT: Page 36.

22 THE WITNESS: Yes, sir.

23 BY MR. AINLEY:

24 Q. Is it your belief that that is simply a
25 transcription error by the court reporter?

1 A. I believe the date -- or the month was. I may
2 have said the 24th inadvertently.

3 Q. All right. Anything else that you found in
4 reviewing the Grand Jury transcript that you subsequently
5 discovered was not accurate?

6 A. Yes. Regarding the fingernail clippers. I made a
7 statement that I believe those clippers were not sterilized.
8 I do not know that for a fact. In -- I had been told by
9 other officers that, or led to believe that those items were
10 not cleaned and that they were thrown into a drawer.

11 Detective Brown subsequently told me that
12 Karen Gere (phonetic spelling) had mentioned that they were
13 probably cleaned or usually cleaned. Karen Gere is an
14 assistant at the medical examiner's office in Prescott. She
15 said they are usually cleaned. There is, however, no
16 procedure for cleaning. There is no sterilization process,
17 per se. They do not have sterilization machines there.

18 But I wanted to clarify that point,
19 because I can't say that for certain.

20 Q. And what page is that located on in the
21 transcript?

22 A. I believe at 42.

23 Q. 42?

24 A. Yes, sir.

25 Q. Anything else that you found in your review of the

1 Grand Jury transcript?

2 A. Yes. After Grand Jury, after talking to Detective
3 Brown, I had made a statement during Grand Jury that
4 Mr. Democker belonged to an escort service. I'm not sure if
5 that is the case or not. In fact, we haven't found any
6 evidence of that. He did belong to a dating service called
7 Great Expectations.

8 Q. What page is that located on, sir?

9 THE COURT: 58. Does that sound right?

10 THE WITNESS: Can you direct me to where you
11 are at, sir, on that.

12 THE COURT: I don't have the transcript.

13 THE WITNESS: Yes. 58, line 20.

14 BY MR. AINLEY:

15 Q. Anything else that you found in reviewing the
16 Grand Jury transcript?

17 A. No, sir.

18 (Whereupon, the partial transcript of
19 December 23, 2008, is concluded.)
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WEDNESDAY, DECEMBER 24, 2008
10:55 A.M.

APPEARANCES:

FOR THE STATE, MR. AINLEY, DEPUTY COUNTY ATTORNEY.
FOR THE DEFENDANT, MR. JOHN SEARS, ATTORNEY AT LAW.

(THE FOLLOWING IS A PARTIAL TRANSCRIPT OF THE
PROCEEDINGS HELD ON DECEMBER 24, 2008:)

DOUGLAS BROWN,

called as a witness, having been duly sworn, testified as
follows:

DIRECT EXAMINATION

BY MR. AINLEY:

Q. Based on subsequent investigation, are there any
changes to what you testified to at the Grand Jury that you
would testify to today to update or correct any information
that you gave to the Grand Jury?

A. Two changes.

Q. What are they?

A. In reference to the date, as far as the support
payments from the divorce. I indicated it was July 1st. It
is actually June 1st.

And then the color of the binder,
reference the tax information, is actually gray, not white.

Q. Anything else?

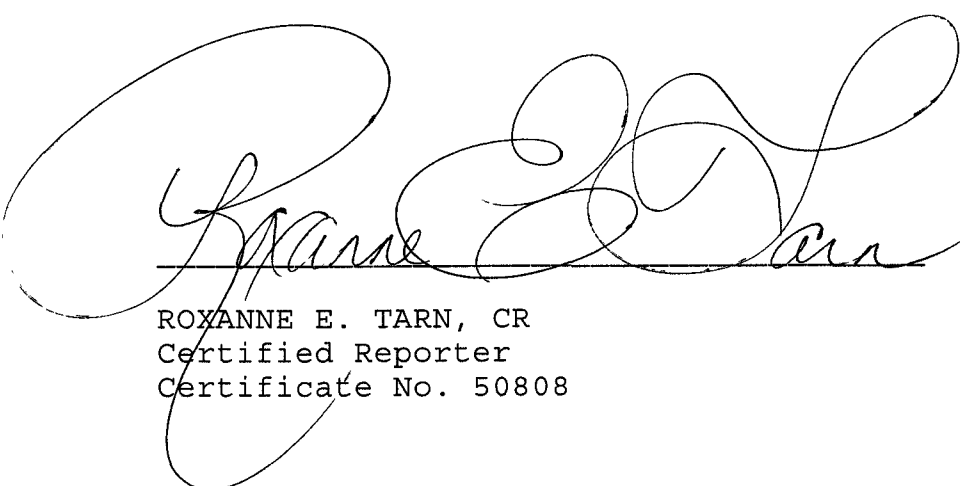
A. No, sir.

(Whereupon, the partial transcript is concluded.)

C E R T I F I C A T E

I, ROXANNE E. TARN, CR, a Certified Reporter
in the State of Arizona, do hereby certify that the foregoing
pages 1 - 9 constitute a full, true, and accurate transcript
of the proceedings had in the foregoing matter, all done to
the best of my skill and ability.

SIGNED and dated this 27th day of December,
2008.



ROXANNE E. TARN, CR
Certified Reporter
Certificate No. 50808